

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

AMJAD UMRANI and
TAJ UMRANI,

Plaintiffs,

v.

Case No. 3:20-cv-1057-J-32JBT

CHAD WOLF, Acting Secretary of
U.S. Department of Homeland
Security; KEN CUCCINELLI,
Acting Director of U.S. Citizenship
and Immigration Services,

Defendants.

ORDER

This case is before the Court on Defendants’ Consent Motion to Remand to United States Citizenship and Immigration Services. (Doc. 8). On September 22, 2020, Plaintiffs Amjad Umrani and Taj Umrani filed this lawsuit against Chad Wolf, the Acting Secretary of the United States Department of Homeland Security, and Ken Cuccinelli, the Acting Director of United States Citizenship and Immigration Services. (Doc. 1). In their Complaint, Plaintiffs sought “judicial review of Defendants’ February 8, 2019 denials of Plaintiffs’ Forms I-485 pursuant to the Administrative Procedure Act (“APA”). 5 U.S.C. § 706(2).” (Doc. 1 ¶ 10).

The parties now agree that this action may be remanded to United States Citizenship and Immigration Services (“USCIS”), pursuant to 8 U.S.C. § 1255. The Consent Motion states that “[s]uch will allow USCIS to reopen the administrative proceedings concerning Plaintiffs’ Forms I-485, Application to Register Permanent Residence or Adjust Status, and to issue new Requests for Evidence to the Plaintiffs. Plaintiffs will then have the opportunity to provide the requested information to USCIS for consideration.” (Doc. 8 at 1). The Court finds that USCIS is best situated to evaluate the evidence and make a decision in this matter. See, e.g., Megahed v. Holder, No. 8:11-cv-2785-T-27TBM, 2012 WL 920423, *1 (M.D. Fla. March 19, 2012) (“[T]he Court is of the opinion that the better course is to remand. USCIS is the agency responsible for determining the issuance of immigration benefits, and USCIS is better-equipped to evaluate the information in Plaintiff’s application in the first instance and to develop the record.”).

Accordingly, it is hereby

ORDERED:

1. Defendants’ Consent Motion to Remand to United States Citizenship and Immigration Services (Doc. 8) is **GRANTED**.
2. This case is **REMANDED** to United States Citizenship and Immigration Services.
3. The Clerk should close the file.

DONE AND ORDERED in Jacksonville, Florida the 1st day of
December, 2020.



Timothy J. Corrigan
TIMOTHY J. CORRIGAN
United States District Judge

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Copies:

Counsel of record